

# HAVA Requirements and The Impact to Iowa's Counties

Help America  
Vote Act  
HAVA

2004

*This fact sheet was developed at the request of, with input and contributions from, and with the final approval of the Voting Equipment Advisory Group, a 19-member group of auditors and representatives of disability constituencies that meets to assist in developing the voting equipment Request for Proposals.*

*As a brief overview, this is intended to provide county officials and other interested parties with an introduction to the Help America Vote Act (HAVA), basic information about HAVA, and the practical impacts its implementation is expected to have on Iowa counties.*

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## Help America Vote Act Requirements

The following is what this law mandates for every state, and is required by law to be in place by January 1, 2006, unless otherwise indicated.

### ***Voting Equipment Standards [Sec. 301]***

January 1, 2006 HAVA requires that all voting systems used in federal elections:

- Maintain voter privacy and ballot confidentiality.
- Permit voters to verify their selection on the ballot, notify them of overvotes, and permit them to change their votes and correct any errors before casting ballot (exceptions).
- Produce a permanent paper record for the voting system that can be audited manually and is available as an official record for recounts.
- Provide to individuals with disabilities, including the blind and visually impaired, the same accessibility to voting as other voters.
- Provide alternative language accessibility as required by law.
- Comply with the error rate standards in the federal system standard in effect on the date of enactment (target error rate: a maximum of one error in 10 million ballot positions).
- Adopt uniform standards defining what constitutes a vote and what will be counted as a vote for each certified system.

### ***Provisional Voting [Sec. 302] - Effective January 1, 2004***

- Election officials notify individuals that they may cast a provisional ballot.
- A written affirmation must be signed stating the individual is a registered voter in the jurisdiction he or she desires to vote; is eligible to vote in that election.
- Provisional ballot and written affirmation is provided to the appropriate state or local election official for prompt verification.
- If deemed eligible to vote, that individual's provisional ballot is counted as a vote.
- A free access system is established where the individual can check to see if his or her vote was counted and, if not, why not.
- Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

***Voter Registration Procedures [Sec. 303] - Effective January 1, 2004*** (requested waiver until January 1, 2006, because of uncertainty of federal and state funding.)

- A single, uniform, official, centralized, interactive, computerized statewide voter registration list
- The list is defined, maintained and administered at the State level
- The list contains the name and registration information of every legally registered voter in the State, and includes the following:
  - A single system for storing and managing the official list of registered voters statewide;
  - It is coordinated with other agency databases within the State;
  - All voter registration information obtained will be electronically entered into the computerized list on an expedited basis;
  - The computerized list will serve as the official voter registration list for the conduct of all elections for federal office in the State.

***Training and Education Standards [Sec. 302 and 254(a)(3) – Effective January 1, 2004***

- Voting information must be publicly posted at each polling place on the day of election for Federal office, including
  - A sample version of the ballot,
  - The date of the election and hours during which polling places will be open,
  - Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot,
  - Instructions for mail-in registrants and first-time voters,
  - General information on voting rights, including provisional balloting and how to contact the appropriate officials if these rights are alleged to have been violated,
  - General information regarding laws prohibiting acts of fraud and misrepresentation.
- Training on new systems must be provided by the State Election Office for
  - Election officials
  - Poll workers
  - General public

## **Impacts on Iowa Counties**

### **Impact for All Iowa Counties**

#### ***Standard, Centralized Voter Registration System***

The state's and all 99 counties' voter registration systems will need to be replaced with a single, statewide system. Accuracy and security will be key considerations, as will compatibility with other state department systems that provide data for accurate voter registration lists (Department of Transportation; Clerks of Court, Department of Human Services; Department of Public Health). Counties and state election staff will need to learn to use the new system. System requirements have been developed by a group of county election officials in cooperation with State Election Office staff. The software will be designed to operate on PC hardware.

#### ***Voter Registration System Cost Considerations***

The software will be purchased and provided by the state, but some level of county investment may be required; and counties will most certainly need to budget for ongoing maintenance. It is difficult to estimate what the ongoing maintenance costs may be until we know what the cost of the system may be. If purchased software, the maintenance cost is usually a percent of the purchase price anywhere from 10%-20% of purchase price per year. Depending on what hardware the county is currently using, it is possible some new equipment (computers) may need to be purchased.

### *Training and Education*

HAVA requires that training and education on the new voter registration system, provisional voting, as well as on the new voting equipment be provided to election officials, poll workers and Iowa voters. This is a critical component in following election law and ensuring the voting accuracy and individual privacy of all Iowa voters. Training for election officials and poll workers will include not only information on the voter registration, provisional voting, and equipment changes, but also regarding the requirements and procedures related to the independent voting by people with disabilities or other limitations. Public education will include information about equipment, provisional voting, and also about the new options for private and independent voting for people with all types of disability.

### *Training and Education Cost Considerations*

The State Election Office will develop curricula and materials, but counties may be asked to make some level of investment in training for their election officials and poll workers. Some HAVA funding has already been allocated for SEAT registration.

### *Equipment*

Because HAVA requires accessible voting equipment, Counties will be required to provide at least one direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place in the county. DRE equipment is commonly referred to as "touchscreen voting machines." Only equipment that has been certified by both the federal Election Assistance Commission (EAC) and by the state of Iowa will be eligible to receive HAVA funding assistance, if available. If no funding assistance is available, HAVA requirement must still be met. Counties will have to pay for all costs not reimbursed by federal and state funds.

### *DRE Equipment Cost Considerations*

The State Election Office is estimating that these machines will cost approximately \$5,000 each. So take the number of precincts in your county times \$5,000 for an approximate cost to the county. This approximately \$5,000 per machine includes the software that will be required for these machines. Counties should also budget annual dollars for maintenance of these machines. Once Counties purchase qualified equipment, they will be eligible for reimbursement of a yet-to-be-determined percentage of the equipment cost. Reimbursement will be made by the state using federal HAVA funds which are required to be matched with 5% state funds. Any and all reimbursements to Counties are contingent on adequate federal funding being received by the state.

### **Impacts for *Lever* and *Paper* Counties** (6 lever counties, 1 paper county)

All lever machines and paper ballot systems will need to be replaced to meet HAVA requirements, so counties using these types of election systems may need to purchase additional equipment beyond the one DRE per precinct required by HAVA. All voting equipment will need to be replaced in these counties. Paper ballot systems *do not include* Absentee Ballots, which HAVA does not specifically address. These seven counties together have established a goal to replace equipment for 2004.

### **Impacts for *Optical Scan Central Count* Counties** (57 counties)

Counties with Optical Scan Central Count systems will likely need to replace this equipment. While HAVA does allow the use of central count voting systems by establishing a voter education program and providing the voter with instructions on how to correct voting errors, it

will still be necessary to re-certify the central count machine to the new April 30, 2002, Federal Election Commission (FEC) Voting System Standards (VSS). Also the equipment will need to meet the target error rate: a maximum of one error in 10 million ballot positions. It is clear that certain models will not be re-certified by the vendor.

***Impacts for Optical Scan Precinct Count Counties*** (19 counties) - **Effective January 1, 2006**

Voting equipment in Optical Scan Precinct Count counties may not have to be replaced if the equipment can be certified (or brought into certified compliance with manufacturer upgrades) by the federal Election Assistance Commission (EAC) and the state of Iowa. It is likely, however, for access purposes for persons with disabilities including sight impairments that one DRE will still need to be purchased for each precinct to meet that specific HAVA requirement. Then, the issue of compatibility between two voting systems may become an issue or a county may need to run two systems. It is anticipated that some manufacturers will not invest in upgrades to some existing equipment; leading counties to purchase newly certified Precinct Count equipment.

***Impacts for DRE Counties*** (16 counties)

Counties already using DRE voting equipment will still be required to have this equipment certified by both the EAC and the state of Iowa as compliant with the new HAVA requirements. If manufacturers can upgrade current systems so they are certifiable, it is possible the county will not need to purchase additional equipment. If, however, manufacturers choose not to do so, new equipment will need to be purchased.